

**YOUNG CONAWAY STARGATT & TAYLOR, LLP**

Rockefeller Center  
1270 Avenue of the Americas, Suite 2210  
New York, New York 10020  
Telephone: (212) 332-8840  
Facsimile: (212) 332-8855

*Attorneys for Irving H. Picard, Trustee for the  
Substantively Consolidated SIPA Liquidation of  
Bernard L. Madoff Investment Securities LLC and the  
Chapter 7 Estate of Bernard L. Madoff*

**UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION  
CORPORATION,

Plaintiff-Applicant,

v.

BERNARD L. MADOFF INVESTMENT  
SECURITIES LLC,

Defendant.

In re:

BERNARD L. MADOFF,

Debtor.

IRVING H. PICARD, Trustee for the  
Liquidation of Bernard L. Madoff Investment  
Securities LLC, and Bernard L. Madoff,

Plaintiff,

v.

CRÉDIT AGRICOLE (SUISSE) S.A., and  
CRÉDIT AGRICOLE S.A., a/k/a BANQUE  
DU CRÉDIT AGRICOLE,

Defendants.

Adv. Pro. No. 08-01789 (CGM)

SIPA Liquidation

(Substantively Consolidated)

Adv. Pro. No. 12-1022 (CGM)

**DECLARATION OF MATTHEW B. LUNN IN  
SUPPORT OF TRUSTEE'S MEMORANDUM OF LAW  
IN OPPOSITION TO DEFENDANT'S MOTION TO DISMISS**

I, Matthew B. Lunn, declare the following:

1. I am a member of the New York bar and a partner with the law firm of Young Conaway Stargatt & Taylor, LLP, counsel to Irving H. Picard (the "Trustee"), as trustee for the substantively consolidated liquidation of the business of Bernard L. Madoff Investment Securities LLC ("BLMIS") under the Securities Investors Protection Act, 15 U.S.C. §§ 78aaa-III, and the chapter 7 estate of Bernard L. Madoff.

2. I submit this Declaration in support of the Trustee's contemporaneously filed Memorandum of Law in Opposition to Defendant Credit Agricole (Suisse) S.A. ("CA Suisse")'s Motion to Dismiss, ECF No. 116, and the corresponding Memorandum of Law, ECF No. 118.

3. Although several documents attached to this Declaration are stamped confidential, the Trustee's records indicate that the producing parties have de-designated the documents as not confidential under the Litigation Protective Order entered in this liquidation. *See SIPC v. BLMIS (In re BLMIS)*, Adv. Pro. No. 08-01789 (CGM) (Bankr. S.D.N.Y. June 6, 2011, ECF No. 4137; Sept. 17, 2013, ECF No. 5474). In addition, all personal identifying information has been redacted.

4. Attached as Exhibit 1 is a true and correct copy of a CA Suisse Subscription Agreement with Fairfield Sentry Limited ("Fairfield Sentry"), dated August 29, 2006 [CFSSAO0011681–CFSSAO0011693].

5. Attached as Exhibit 2 is a true and correct copy of an executed, un-dated CA Suisse Subscription Agreement with Fairfield Sentry [ANWAR-CFSE-00021644–ANWAR-CFSE-00021655].

6. Attached as Exhibit 3 is a true and correct copy of Fairfield Sentry's Private

Placement Memorandum, dated August 14, 2006 [SECSEV0871949–SECSEV0872009].

7. Attached as Exhibit 4 is a true and correct copy of the Trustee’s Proffered Allegations Pertaining to the Extraterritoriality Issue as to the Credit Agricole Defendants, ECF No. 81.

8. Attached as Exhibit 5 is a true and correct copy of email correspondence from Ron Thomann to other members of Fairfield Greenwich Group (“FGG”), dated May 27, 2003 [SECSEV0668147–SECSEV0668148].

9. Attached as Exhibit 6 is a true and correct copy of email correspondence from Carlos Garcia Ordóñez to representatives of FGG, dated October 27, 2005 [SECSEV2350268–SECSEV2350269].

10. Attached as Exhibit 7 is a true and correct copy of email correspondence from Carla Castillo of FGG to Alexandre de Planta of CA Suisse, dated January 27, 2005 [SECSEV0741296–SECSEV0741300].

11. Attached as Exhibit 8 is a true and correct copy of email correspondence from Ivan Kostic of CA Suisse to, among others, representatives of FGG, dated November 9, 2005 [ANWAR-CFSE-00512481–ANWAR-CFSE-00512484].

12. Attached as Exhibit 9 is a true and correct copy of email correspondence from Carla Castillo of FGG to Giuseppe De Vecchi of CA Suisse, dated August 10, 2007 [FG-04492938].

13. Attached as Exhibit 10 is a true and correct copy of CA Suisse’s Redemption Instructions, dated May 16, 2008 [CFSSAJ0008937–CFSSAJ0008940].

14. Attached as Exhibit 11 is a true and correct copy of CA Suisse’s Redemption Instructions, dated July 1, 2008 [CFSSAJ0013269–CFSSAJ0013271].

15. Attached as Exhibit 12 is a true and correct copy of CA Suisse’s Redemption

Instructions, dated August 25, 2008 [CFSSAJ0017323–CFSSAJ0017326].

16. Attached as Exhibit 13 is a true and correct copy of CA Suisse’s Redemption Instructions, dated September 9, 2008 [CFSSAJ0017270].

17. Attached as Exhibit 14 is a true and correct copy of CA Suisse’s Redemption Request, dated August 6, 2007 [CFSSAM0012813].

18. Attached as Exhibit 15 is a true and correct copy of CA Suisse’ Redemption Request, dated July 1, 2008 [CFSSAJ0013268].

19. Attached as Exhibit 16 is a true and correct copy of CA Suisse’s Redemption Request, dated October 8, 2008 [CFSSAF0000546–CFSSAF0000548].

20. Attached as Exhibit 17 is a true and correct copy of CA Suisse’s Request for Wire Transfer, dated April 17, 2007 [CFSSAL0013131].

21. Attached as Exhibit 18 is a true and correct copy of CA Suisse’s Request for Wire Transfer, dated November 19, 2007 [CFSSAM0025336].

22. Attached as Exhibit 19 is a true and correct copy of CA Suisse’s Short Form Subscription Agreement with Fairfield Sentry, dated January 28, 2008 [ANWAR-CFSE-00093359–ANWAR-CFSE-00093360].

23. Attached as Exhibit 20 is a true and correct copy of CA Suisse’s Short Form Subscription Agreement with Fairfield Sentry, dated April 25, 2008 [ANWAR-CFSE-00109618–ANWAR-CFSE-00109619].

Pursuant to 28 U.S.C. § 1746, I hereby declare under penalty of perjury that the foregoing statements are true and correct.

Dated: September 30, 2022  
New York, New York

By: /s/ Matthew B. Lunn  
Matthew B. Lunn